

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

-----X  
**MARISA FARRI,** :  
                          Plaintiff, :  
                          :  
VS.                      :                          C.A. NO.:  
                          :  
**BANNISTER OPERATIONS** :  
**ASSOCIATES, LLC,** :  
                          Defendant. :  
-----X

**NOTICE OF REMOVAL**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND:

PLEASE TAKE NOTICE that Defendant Bannister Operations Associates, LLC (referred to herein as either “Defendant” or “Bannister”) hereby serves notice of its removal of the above-entitled action to this Court and makes the following showing in support of such removal:

**PLEADINGS AND PROCEEDINGS TO DATE**

1. On or after January 31, 2020, an action was commenced in the Superior Court of the State of Rhode Island, County of Providence, entitled *Marisa Farri v. Bannister Operations Associates, LLC*, Civil Action No. PC-2020-00809.

2. Thereafter, on or about May 20, 2020, counsel for Plaintiff requested and obtained permission for Defendant’s counsel to accept service of process.

3. On May 26, 2020, counsel for Defendant entered his appearance in the Superior Court matter on behalf of Bannister. A copy of the Summons and Complaint are annexed hereto as Exhibit “A”, and a copy of counsel’s Entry of Appearance is annexed hereto as Exhibit “B”.

4. Defendant will have filed and served this Notice of Removal within 30 days of receipt of the Complaint. Accordingly this Notice of Removal is timely filed pursuant to 28

U.S.C. § 1446(b). To Defendant's knowledge, no further proceedings have occurred in state court other than described above.

**FEDERAL QUESTION JURISDICTION**

5. This Court has federal question jurisdiction over this action under the provisions of 28 U.S.C. § 1331, and the matter is removable pursuant to 28 U.S.C. § 1441 because the Complaint alleges a Cause of Action involving a federal question, to wit:

a. The Second Cause of Action claims retaliatory discharge under the Fair Labor Standards Act and seeks damages thereunder. 29 U.S.C. § 215(a)(3). (Exhibit A at the Second Cause of Action)

6. The Complaint also alleges a State law claims against Defendant, to wit:

a. The First Cause of Action alleges age discrimination against her, claiming violations under the Rhode Island Civil Rights Act under R.I.G.L. § 42-112-1 *et seq.* (“RICRA”) (*Id.* at the First Cause of Action).

This Court has supplemental jurisdiction over the State claims asserted in Plaintiff's Complaint pursuant to 28 U.S.C. § 1441(c).

7. Accordingly, it is clear that Plaintiff seeks relief under federal law, and federal questions are presented sufficient to remove this case to the federal court.

8. This United States District Court for the District of Rhode Island is the federal district within which the above-described Superior Court case is pending.

9. As required by 28 U.S.C. § 1446(d), Defendant Bannister will notify the Superior Court, Providence County, and all parties of this Notice of Removal by filing with the Superior Court a Notice of Filing of Notice of Removal. A copy of that notification, which will be electronically filed with the Superior Court, is attached hereto as Exhibit “C”.

**WHEREFORE**, The Defendant Bannister Operations Associates, LLC prays that

the above action now pending against it in the Superior Court of the State of Rhode Island in and for the County of Providence, Civil Action No. PC-2020-00809 be removed therefrom to this Court.

Respectfully submitted,  
BANNISTER OPERATIONS ASSOCIATES, LLC  
By its attorneys,

/s/ Anthony J. DiOrio  
Anthony J. DiOrio (R.I. Bar No. 3419)  
Jackson Lewis P.C.  
44 South Broadway, 14<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 872-6872

Dated: White Plains, New York  
May 29, 2020

**CERTIFICATE OF SERVICE**

This is to certify that on May 29, 2020, a copy of the foregoing document was served by email upon Plaintiff's attorney, Richard J. Savage, Esq., Savage & Savage, 156 Airport Road, Warwick, Rhode Island 02889, at email address: [richard@savageandsavage.com](mailto:richard@savageandsavage.com).

/s/ Anthony J. DiOrio  
Anthony J. DiOrio